

Message Text

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ACTION IO-14

INFO OCT-01 ISO-00 AF-10 ARA-16 EA-11 EUR-25 NEA-14 RSC-01

CIAE-00 DODE-00 PM-07 H-03 INR-10 L-03 NSAE-00 NSC-07

PA-04 PRS-01 SP-03 SS-20 USIA-15 OIC-04 ACDA-19 DRC-01

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P R 020020Z JUL 74

FM USMISSION USUN NY

TO SECSTATE WASHDC PRIORITY 4580

INFO AMEMBASSY MOSCOW

AMEMBASSY OTTAWA

AMEMBASSY LONDON

AMEMBASSY TOKYO

AMEMBASSY BRASILIA

AMEMBASSY PARIS

C O N F I D E N T I A L SECTION 1 OF 2 USUN 2309

E.O. 11652: GDS

TAGS: PFOR, UN, UR

SUBJ: US DRAFT GENERAL GUIDELINES FOR UN PEACEKEEPING
OPERATIONS

REF: (A) USUN 2270 (NOTAL);

(B) USUN A-494(NOTAL);

(C) STATE 134403(NOTAL)

1. AS WE REPORTED REF (A), PEACEKEEPING COMMITTEE WORKING
GROUP (WG) IS SCHEDULED HOLD FOUR MEETINGS THIS WEEK, ON JULY 3
AND 5. CHAIRMAN'S PURPOSE IN ARRANGING THIS CONCENTRATED PROGRAM
(UNIQUE IN HISTORY OF WG TO OUR KNOWLEDGE) IS TO MAKE GREATEST
POSSIBLE PROGRESS BEFORE HE AND OTHER KEY WG MEMBERS GO ON VACA-
TION OR ELSEWHERE. MISSION AGREES IT IS IMPORTANT TO MAKE MAJOR
EFFORT NOW IF THERE IS TO BE CHANCE OF DEVELOPING GENERAL GUIDE-
LINES BY NEXT UNGA IN ACCORDANCE WITH SECRETARY'S WISHES. WE
DO NOT SEE MOVE AS ADVERSELY AFFECTING US-USSR BILATERALS. WE
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HAVE ACCORDINGLY DRAFTED GENERAL GUIDELINES, USING WG CHAIRMAN'S

PAPER (REF (B)) AS BASIS, WHICH WE HOPE TABLE IN WG THIS WEEK. OUR DRAFT FOLLOWS IN PARA 3.

2. ACTION REQUESTED: REQUEST DEPT AUTHORIZE US INTRODUCE GUIDELINES AT WG THIS WEEK AFTER CONSULTING WITH BRITISH AND CANADIANS. WE WOULD ALSO PLAN DISCUSS DRAFT WITH JAPANESE, BRAZILIANS AND FRENCH, AND FINALLY WITH SOVIETS.

3. QTE

U.S. DRAFT ARTICLES OF GUIDELINES FOR UNITED NATIONS PEACEKEEPING OPERATIONS

ARTICLE 1. UNITED NATIONS PEACEKEEPING OPERATIONS WILL BE UNDER THE COMMAND OF THE UNITED NATIONS, VESTED IN THE SECRETARY GENERAL, UNDER THE AUTHORITY OF THE SECURITY COUNCIL.

NOTE: ARTICLE 1 USES WORDING OF PARAGRAPH 4(A) OF OCTOBER 27 MANDATE. IT AND ARTICLES 2 AND 3 ARE SOMEWHAT REDUNDANT (THOUGH NOT OVERLY SO) AND EITHER ARTICLE 1 ALONE, OR ARTICLES 2 AND 3 WITHOUT 1, WOULD BE ACCEPTABLE. INCIDENTALLY, ARTICLES 2, 3 AND 4 OF WP 8 HAVE BEEN DROPPED ENTIRELY BECAUSE A) THEY RAISE PROBLEMS BECAUSE OF THEIR USE OF THE CONCEPT OF AGENCY AND B) THEY SERVE NO PURPOSE. WP 8 ARTICLE 7 HAS BEEN OMITTED BECAUSE IT IS SELF-EVIDENT, AND BECAUSE IT IMPLIES THAT IN NON-PEACEKEEPING MATTERS SYG'S AUTHORITY WOULD NOT BE EXERCISED IN CONFORMITY WITH SC RESOLUTIONS.

ARTICLE 2. THE SECURITY COUNCIL WILL HAVE ULTIMATE AUTHORITY OVER PEACEKEEPING OPERATIONS IN EXERCISE OF ITS AUTHORITY AS THE ORGAN PRIMARILY RESPONSIBLE FOR THE MAINTENANCE OF INTERNATIONAL PEACE AND SECURITY.

NOTE: VARIANT OF WORKING PAPER 8 (WP 8) ARTICLE 1, WHICH COULD BE FALLEN BACK TO. CHANGES MADE MAINLY FOR STYLISTIC REASONS.

ARTICLE 3. THE SECRETARY GENERAL WILL BE THE COMMANDER-IN-CHIEF
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OF UNITED NATIONS PEACEKEEPING OPERATIONS, UNDER THE AUTHORITY OF THE SECURITY COUNCIL.

NOTE: FALLBACK TO WP 8 ARTICLE 6, REVERSING CLAUSES.

ARTICLE 4. COMMAND IN THE FIELD OF PEACEKEEPING OPERATIONS WILL BE EXERCISED BY A COMMANDER APPOINTED BY THE SECRETARY GENERAL WITH THE CONSENT OF THE SECURITY COUNCIL.

NOTE: NOTE: LANGUAGE IS PARAGRAPH 4(A) OF OCTOBER 27 MANDATE.
IT REPLACES ARTICLE 5 OF WP 8 (WHICH IS
SATISFACTORY, THOUGH IT DOESN'T DEAL WITH QUESTION OF
APPOINTMENT OF COMMANDER). THIS PARAGRAPH PROVIDES
BASIS FOR CONCESSION REGARDING APPOINTMENT OF COMMANDER
IN RETURN FOR USSR CONCESSION ON, E.G., ARTICLE 29
COMMITTEE RESPONSIBILITIES. FALLBACK LANGUAGE MIGHT BE:
"COMMAND IN THE FIELD OF PKO'S WILL BE EXERCISED BY A
COMMANDER APPOINTED BY THE SECURITY COUNCIL UPON
NOMINATION BY THE SECRETARY GENERAL."

ARTICLE 5. THE SECURITY COUNCIL MAY DEEM IT USEFUL TO ESTABLISH,
IN ACCORDANCE WITH ARTICLE 29 OF THE CHARTER, A SPECIAL
SUBSIDIARY ORGAN DIRECTLY RESPONSIBLE TO IT FOR ADVICE
AND ASSISTANCE TO IT WITH REGARD TO AN OPERATION. THE
PRECISE RESPONSIBILITIES AND COMPOSITION OF SUCH A
COMMITTEE WOULD BE WORKED OUT WHEN IT WAS ESTABLISHED,
DEPENDING ON THE REQUIREMENTS OF THE SITUATION.

NOTE: FIRST SENTENCE OF ABOVE IS TAKEN FROM
USSR LETTER OF MARCH 20, 1972 (A/8669), ONLY
DIFFERENCE BEING THAT FOLLOWING PARENTHETICAL
PHRASE AFTER "SPECIAL SUBSIDIARY BODY" IS OMITTED:
"(COMMITTEE ON DIRECTION OF OPERATION)".

ARTICLE 6. THE SECRETARY GENERAL SHALL KEEP THE SECURITY COUNCIL
FULLY INFORMED OF DEVELOPMENTS RELATING TO THE FUNCTIONING OF
PEACEKEEPING OPERATIONS. ALL MATTERS WHICH MAY AFFECT
THE NATURE OR THE CONTINUED EFFECTIVE FUNCTIONING OF A
PEACEKEEPING FORCE WILL BE REFERRED TO THE COUNCIL FOR
ITS DECISION.

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C O N F I D E N T I A L SECTION 2 OF 2 USUN 2309

NOTE: THIS IS WP 8'S ARTICLE 8 WITHOUT CHANGE.
AS SEEMINGLY IMPORTANT CONCESSION, IF REQUIRED FOR
SOVIET MOVEMENT, UK "VETO BY CHALLENGE" CONCEPT
COULD BE FOLDED IN TO THIS ARTICLE. THIS COULD BE
DEPICTED AS SIGNIFICANT MOVE TOWARD MORE CENTRAL
ROLE FOR SC. IN FACT, IT WOULD
APPEAR THAT CONCEPT IS ALREADY CLEARLY IMPLICIT
IN WP 8 LANGUAGE (WHICH REPEATS VIRTUALLY
VERBATIM WP EXTREMELY USEFUL LAST SENTENCE OF PARAGRAPH 4A
OF OCTOBER 27 MANDATE). FOLLOWING FALLBACK
LANGUAGE COULD BE INSERTED AFTER "PEACEKEEPING FORCE":
"...OR ANY OPERATIONAL INITIATIVE WHICH EXCEEDS THE
MANDATE..."

ARTICLE 7. THE COSTS OF PEACEKEEPING OPERATIONS AUTHORIZED BY THE
SECURITY COUNCIL SHALL BE CONSIDERED AS EXPENSES OF THE
ORGANIZATION, TO BE BORNE BY THE MEMBERS IN ACCORDANCE
WITH ARTICLE 17, PARAGRAPH 2, OF THE CHARTER.
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NOTE: THIS IS WP 8'S ARTICLE 9 WITHOUT CHANGE

ARTICLE 8. CONTINGENTS FOR PEACEKEEPING FORCES WILL BE SELECTED
BY THE SECRETARY GENERAL IN CONSULTATION WITH THE
SECURITY COUNCIL AND WITH THE PARTIES CONCERNED, BEARING
IN MIND THE PRINCIPLES WHICH FOLLOW. THE PARAMOUNT
CONSIDERATION WILL BE THE ACCEPTED PRINCIPLE OF THE
NECESSITY OF SECURING THE HIGHEST STANDARDS OF EFFICIENCY,
COMPETENCE, AND INTEGRITY. READINESS, EXPERIENCE AND
TRAINING IN PEACEKEEPING OPERATIONS, AND ACCEPTABILITY TO
THE PARTIES ARE OTHER CONSIDERATIONS. DUE REGARD SHALL
ALSO BE PAID TO EQUITABLE GEOGRAPHIC REPRESENTATION.

NOTE: THIS IS NEGOTIATING LANGUAGE ON THIS SENSITIVE ISSUE,
AND NOTHING LIKE IT IS LIKELY TO EMERGE. FIRST
PRINCIPLE ("THE PARAMOUNT CONSIDERATION...") IS TAKEN

FROM ARTICLE 101(3) OF CHARTER. ONE OBVIOUS
FALLBACK IS TO REVERSE ORDER OF PRINCIPLES. IT
IS ALSO POSSIBLE THAT QUESTION OF COMPOSITION WILL
END UP IN ARTICLE 10, BELOW, AS ONE OF AGREED
RESPONSIBILITIES OF SC IF WE DECIDE TO MAKE THIS
CONCESSION. (SAME COULD HAPPEN TO ARTICLE 4,
APPOINTMENT OF THE COMMANDER.)

ARTICLE 9. UNITED NATIONS PEACEKEEPING FORCES, IN ORDER
TO FUNCTION EFFECTIVELY, SHOULD: A) HAVE THE FULL CONFIDENCE AND
BACKING OF THE SECURITY COUNCIL, B) OPERATE WITH THE FULL
COOPERATION OF THE PARTIES CONCERNED AND C) FUNCTION
AS AN INTEGRATED AND EFFICIENT MILITARY UNIT.

NOTE: THIS REDRAFT OF WP 8'S PARA 11
INCLUDES SAME ELEMENTS BUT CHANGES THEM FROM
"ESSENTIAL CONDITIONS" TO DESIDERATA. IT ALSO
AVOIDS A) MAKING SC CONFIDENCE "AT ALL
TIMES" PRECONDITION FOR PEACEKEEPING OPERATION'S
RIGHT TO EXIST, B) GRANTING PARTIES RIGHT TO
INSIST ON ELEMENTS OF AN OPERATION OR IN GENERAL
MAKE TROUBLE, AND C) GIVING IMPLICATION THAT
NATIONAL CONTINGENTS MUST BE KEPT SEPARATE.

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ARTICLE 10. THE SECURITY COUNCIL, IN AUTHORIZING A
PEACEKEEPING OPERATION, WOULD DETERMINE THE PURPOSE AND MANDATE
OF A PEACEKEEPING FORCE, ITS APPROXIMATE SIZE, THE DURATION OF
ITS EXISTENCE AND MANNER OF ITS TERMINATION, AND SUCH
OTHER MATTERS AS IT CONSIDERED NECESSARY IN ESTABLISHING
THE PURPOSE AND TERMS OF THE MANDATE. THE COUNCIL WOULD
ON A CASE-BY-CASE BASIS DECIDE WHETHER IT WOULD PRONOUNCE
ITSELF ON OTHER QUESTIONS SUCH AS COMPOSITION OF THE
FORCE AND CHOICE OF THE COMMANDER.

NOTE: THIS REDRAFT OF ARTICLE 12 OF WP 8 IS
DESIGNED TO INCORPORATE DIRECTLY INTO GUIDELINES
RESPONSIBILITIES OF SC, AS NEGOTIATED IN
COMMITTEE OF 33, RATHER THAN REFERRING OBLIQUELY TO THEM
AS IN WP 8. IF APPOINTMENT OF COMMANDER AND COMPOSITION
OF FORCE WERE ADDED TO THE SC'S RESPONSIBILITIES, SECOND
SENTENCE WOULD OF COURSE BE DELETED.
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